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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,841,922 B2
Appl. No. : 10/750,225
Applicant : Aigner et al.
Filed : Dec. 31, 2003
Issued : Jan. 11, 2005

Certificate

FEB 25 2005

Atty. Ref. No. : 1890-0031

of Correction

For: PIEZOELECTRIC RESONATOR APPARATUS WITH ACOUSTIC REFLECTOR

Attention Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 16, 2005
(Date of Deposit)

Russell E. Fowler II

Name of person mailing Document or Fee

Russell E. Fowler

Signature

February 16, 2005

Date of Signature

REQUEST FOR A CERTIFICATE OF CORRECTION

Sir:

This is a request for issuance of a certificate of correction in the above-referenced patent to correct Applicant's mistake. In particular, upon reviewing U.S. Patent No. 6,841,922, which issued on January 11, 2005, Applicant noted that the Foreign Application Priority Data is missing from the title page of the patent. Applicant requests correction of this omitted priority claim by issuance of a certificate of correction.

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DISCUSSION

U.S. Patent Application No. 10/750,225 (the “Child Application”) was filed Dec. 31, 2003. Pursuant to 35 U.S.C. 120 and 365(c), the Child Application was filed as a continuation application of co-pending International Application No. PCT/EP02/06144 (the “Parent Application”), which designated the United States. The Parent Application also claimed priority to German Application No. 10137129.2-35, under 35 USC § 119.

When the Child Application issued as U.S. Patent No. 6,841,922, Applicant noted that the Foreign Application Priority Data was omitted from the title page of the patent. The reason for this appears to be a result of Applicant’s mistake in not perfecting the claim for priority. Specifically, although Applicant properly claimed priority, certified copies of the priority documents were not received by the U.S. Patent Office in the Child Application. Applicant has enclosed a proposed certificate of correction that lists the Foreign Priority Application Data that was omitted from the title page of U.S. Patent No. 6,841,922.

According to MPEP § 201.16, the failure to perfect a claim to foreign priority benefit may be cured, under certain conditions, by filing a certificate of correction request. In particular, “[a] perfection of a priority claim under 35 U.S.C. 119 in [a] parent application will satisfy the statute with respect to [a] continuation application.” *In re Van Esdonk*, 187 USPQ 671 (Comm’r Pat. 1975). “Although *In re Van Esdonk* involved the patent of a continuation application filed under former 37 CFR 1.60, it is proper to apply the holding of that case in similar factual circumstances to any patented application having benefits under 35 U.S.C. 120.” MPEP § 201.16 (emphasis added).

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In the present case, Applicant's Child Application claimed benefits under 35 U.S.C. 120. Applicant's Parent Application included a perfected priority claim by transmission of the priority application to the International Bureau. See enclosed Notification Concerning Submission or Transmittal of Priority Document. Accordingly, a certificate of correction may be issued in this case to correct the missing Foreign Application Priority Data from the title page of U.S. Patent No. 6,841,922.

In addition to the above comments, Applicant submits that issuance of a certificate of correction in this situation complies with the two statutory requirements of 35 U.S.C. 255 that (i) the mistake is of a clerical, typographical, or minor nature, and (ii) the correction does not involve changes that would constitute new matter or require reexamination. See MPEP § 1481. Accordingly, Applicant requests issuance of the enclosed certificate of correction for U.S. Patent No. 6,841,922.

PAYMENT OF FEES

Enclosed is a check in the amount of \$100.00 in payment of the fee for the certificate of correction, as set forth in 37 CFR 1.20(a).

In the event applicant has inadvertently overlooked the need for payment of any additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

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CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the enclosed certificate of correction should issue for U.S. Patent No. 6,841,922. A prompt and favorable response concerning the certificate of correction is respectfully requested.

Respectfully submitted,


Russell E. Fowler II
Attorney Registration No. 43,615

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Enclosure: Certificate of Correction
 Notification Concerning Submission or Transmittal of
 Priority Document
 \$100.00 Check
 Return Postcard

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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 6,841,922 *B2*

DATED : January 11, 2005

INVENTOR(S) : Aigner et al.

It is certified that error appears in the above-identified patent and that said Letters Patent
is hereby corrected as shown below:

On the title page of the patent, the following priority information should appear before INID code (51):

(30) Foreign Application Priority Data

July 30, 2001 (DE)101 37 129.2-35

MAILING ADDRESS OF SENDER:

Maginot, Moore & Beck LLP
111 Monument Circle, Suite 3000
Indianapolis, IN 46204-5115

PATENT NO. 6,841,922

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT COOPERATION TREATY

PCT

**NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT**

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

SCHOPPE, Fritz
 Schoppe, Zimmermann, Stöckeler &
 Zinkler
 Postfach 71 08 67
 81458 München
 Germany

Date of mailing (day/month/year) 16 September 2002 (16.09.02)			
Applicant's or agent's file reference IO020601PCT	IMPORTANT NOTIFICATION		
International application No. PCT/EP02/06144	International filing date (day/month/year) 04 June 2002 (04.06.02)		
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 30 July 2001 (30.07.01)		
Applicant INFINEON TECHNOLOGIES AG et al			
<p>1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).</p> <p>2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.</p> <p>3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.</p> <p>4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.</p>			
<u>Priority date</u> 30 July 2001 (30.07.01)	<u>Priority application No.</u> 101 37 129.2	<u>Country or regional Office or PCT receiving Office</u> DE	<u>Date of receipt of priority document</u> 29 Augu 2002 (29.08.02)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Peter WIMMER (Fax 338 8970) Telephone No. (41-22) 338.83.38
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